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**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

**Re: MM Docket No. 95-176**  
**Closed Captioning and Video Description**

Dear Mr. Caton:

Transmitted herewith on behalf of Motion Picture Association of America, Inc. are an original and nine copies of its Reply Comments in the above-referenced proceeding. Also enclosed pursuant to the Commission's March 22, 1996 Public Notice are two additional copies marked "Extra Public Copy."

Respectfully submitted,

*Barbara K. Gardner*

Barbara K. Gardner

BKG/kkj  
Enclosures

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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of

Closed Captioning and Video Description  
of Video Programming

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MM Docket No. 95-176

**REPLY COMMENTS OF  
THE MOTION PICTURE ASSOCIATION OF AMERICA, INC.**

The Motion Picture Association of America, Inc. ("MPAA") hereby briefly replies to other parties' comments on the Commission's Notice of Inquiry, FCC 95-484 (released December 4, 1995) ("NOI"), in the above-captioned proceeding.

In its comments, MPAA noted the broad response of the American motion picture, television and home video industries to the challenge of facilitating greater access to the television medium for people with hearing and visual disabilities. In light of the positive results achieved by its member companies, MPAA urged the Commission to intrude minimally on the natural workings of the market for video programming in implementing the video programming accessibility provisions of the Telecommunications Act of 1996.

The comments of many of the leading advocates for the deaf and the blind acknowledge the efforts MPAA's comments described. For example, Self Help for Hard of Hearing People, Inc., the American Society for Deaf Children, and The Council of Organizational Representatives

observe that all prime time and children's programming on broadcast networks is captioned,<sup>1</sup> while the National Association of the Deaf ("NAD") similarly points out that all movies, and almost all entertainment programs, on broadcast networks during prime time are captioned.<sup>2</sup> NAD also states that 50 to 75 percent of the overall programming of the three major national broadcast networks is captioned (including "a considerable amount of daytime, children's programming, late-night talk shows, and national sports programming").<sup>3</sup>

With respect to previously exhibited programming, MPAA's comments pointed out that its member companies frequently caption uncaptioned catalog titles as they are re-released. This fact was confirmed by NAD, which states that "[m]ost network prime time programs that were produced since 1989 and are now being aired in the re-run market on local stations enter this marketplace with captions."<sup>4</sup>

MPAA agrees with NAD that labeling captioned video programming with a "cc" is desirable, and that efforts should be made to assure that as programs pass through the distribution chain, their captioning remains intact.<sup>5</sup> However, such efforts should be voluntary, not mandated by the Commission.

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<sup>1</sup> Comments of Self Help for Hard of Hearing People at 4; Comments of American Society for Deaf Children at 3; Comments of The Council of Organizational Representatives at 3.

<sup>2</sup> Comments of NAD at 14, 15.

<sup>3</sup> Id. at 12. As to MPAA initiatives to assist the blind, the Comments of The Metropolitan Washington Ear, Inc., an organization promoting video description, cite recent meetings with major Hollywood studios and their home video divisions that were facilitated by MPAA. Comments of The Metropolitan Washington Ear at 3.

<sup>4</sup> Comments of NAD at 16.

<sup>5</sup> Id. at 21-22, 24.

MPAA also opposes the request of NAD that all library product be captioned within three to five years.<sup>6</sup> Even in that time frame, a requirement to caption entire libraries containing thousands of titles, many of which will never be re-exhibited because there is no market demand for them, is burdensome and unnecessary. In sum, the Commission should avoid implementing the Telecommunications Act's requirements without regard to market realities, including the successes attested to by NAD and others.

Respectfully submitted,

THE MOTION PICTURE ASSOCIATION  
OF AMERICA, INC.

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April 1, 1996

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<sup>6</sup> Id. at 37.